

Previous references.

File No. 187-29

Ch 83-08-1403 1909.
Ch 200-08-142
Ch 199-08-1403 } courts)
Later references.

Serial Nos. / 72

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. / 72

Part B. for March 1910.

SUBJECT.

Remission of the sentence of transportation for life passed on Lakshmi for having caused the death of her child

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204

Forwards for orders a letter from the Sessions Judge, Mysore Division, recommending that the sentence of transportation for life passed on one Lakshmi for having caused the death of her child, may be reduced to one of 3 years rigorous imprisonment

2. To the Registrar, Chief Court of Mysore in No. 2811 0,24-3-1910
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Forwards for information of the judges of the Chief Court and communication to the prisoner a copy of the order passed in the above case by the Highness reducing the sentence to 1 year's rigorous imprisonment.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cts. File No. 187-09.

FILE HEADING.

Remission of the sentence of transportation for life passed on Lakshmi for having caused the death of her child.

From

The Registrar of the Chief Court of Mysore

No. $\frac{3613}{204}$

Dated 21-2-10

Received 23.2.10

Diary No. 2131

Enclos. 1/2 recd Spare Copies

Serial No. /

BRIEF ABSTRACT OF LETTER.

Forwards for orders, a letter from the Sessions Judge, Mysore Division, recommending that the sentence of transportation for life passed on one Lakshmi for having caused the death of her child, may be reduced to one of three years' rigorous imprisonment.

NOTES AND ORDERS.

1 Subd. The present reference is made by the Sessions Judge, Mysore Division, through the Chief Court, under the authority of Govt Notification N^o 1248-Flag N Cts 83-08-3 dated the 3rd November 1908

Serial
No.

that she wished the child to follow her as there was nobody to take care of it thenceforward, and that she unfortunately survived while the child was drowned. In her appeal petition to the Chief Court, the accused says that she committed no offence and that she has been unjustly convicted and sentenced. The Chief Court however dismissed the appeal as the appellant was convicted on her own plea.

3 The records have been sent up for orders without any opinion from the Chief Court.

4 Subd for orders -

HCB SN
23.2.10 23/2

5 This is a simple but sad case.

Domestic misadventure drove the accused to entertain thoughts of suicide and her love to her baby induced her to kill it. She hoped to die with her child but she alone survived.

6 The terms of the notification of 3rd Nov. 1908 are wide enough to include a case of this kind, though such cases might not have been expressly contemplated at the

The order requires the Secy to record his opinion

SN

Serial
No.

Time of the issue of that order.

7 The motives of the accused in this case are far poorer and her crime is therefore not less but more pardonable than that of the unfortunate women who kill their infants to hide their own dishonour.

8 The Chief Court are Silent but it may be presumed that this is apparently because they had nothing to say against the recommendation of the learned Sessions Judge.

9 The case appears to be a fit one for reduction of the sentence to 3 years' rigorous work in prison or even to a shorter period (say 18 months).

Cl Mather

2970)

Lee)

27/2/10

10 2nd

45
28/2/10

28
29/2/10

11 The woman must have been goaded to do the act by despair, and she was almost in the position of a person not responsible.

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No.

for her acts. The Courts could
not sentence her to less than
life-long imprisonment. ~~It~~
Whether the case falls or not
~~under~~ ^{within} the purview of the ~~fo~~
cited, the case is a fit one
for the reduction of sentence.
The sentence may, I think,
be reduced to 3 years or
even to 1 year, as the
loss of the child is itself likely
to be a lifelong punishment
to the poor miserable mother.

Am
3/8/10

Circulate

103
4/3/10
SB
4/3/10

To delete)

1320
5.3.10

12 The sentence may be reduced
to 3 years rigorous

SB
5/3/10

4888
7.3.10
Dewan
SB
6/3/10

Cb 187-a

Submitted to His Highness.

15. These papers relate to the case of one Lakshmi who was recently convicted by the Sessions Judge of Mysore of the offences of causing the death of her child, aged 8 months, and attempting to commit suicide. Before the Judge the accused said she was leading a very unhappy life with her husband who used to beat and ill-treat her, and she wanted to put an end to her own life and that of her child, and accordingly threw herself with the child into a tank, where the child was drowned but she herself escaped death. She was convicted on her own plea, and was sentenced to undergo transportation for life, there being no option to the Judge to pass a lighter sentence for an offence under Section 302 of the Indian Penal Code.

16 2. The Sessions Judge has now submitted a recommendation, which has been received through the Chief Court, that the sentence may be reduced to one of rigorous imprisonment for three years. The recommendation is made under Government Order No.J.

1237-47/Cts.83-08-2 dated 3rd November 1908, which, although intended to meet the case of women convicted of causing the death of their infant children to hide their shame, is, in its terms, wide enough to include cases like the present one.

173. The Second Councillor is of opinion that the term of imprisonment may be reduced to 3 years or even to 1 year. The First Councillor thinks that the sentence may be reduced to one of rigorous imprisonment for three years, which is also what the Sessions Judge recommends. This may be sanctioned.

by.

Thurandath
8/11/10

Ct 187-29

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.

918
12.3.10

Reduction of the sentence of transporta-
tion for life, passed on Lakshmi, ac-
cused in Mysore Sessions case No.12 of
1909-10, to one of imprisonment for a
term of 3 years or 1 year.

Order.

895
19.3.10
10.6.30

18 The sentence in this case will
be reduced to one year's rigorous im-
prisonment.

~~KRW~~

18/3/10

Secy
19/3/10

109 Puttaprap

KRW
21/3/10

21/3/10
21/3

21/3/10
21/3/10

21/3/10

Serial
No.

Submitted, with the usual draft.

Hes

21.3.10.

21/24/10

22/3/10.

SA

Fair copy to be
prepared at
the Dewans office

Sec⁷

22 Dewans

USB

Fair copy prepared by Dewans 22/3/10

SA
22/3/10

23 Issue

23/3/10

B Rec
2/4/10

SA
23/3/10

2 No. 2811. D. 24-3-1910. To the Registrar Chief Court
Forwards for information of the judges of the
Chief Court and communication to the prisoners
Concerned a copy of the order passed by H. H.
in the above case reducing the sentence to
one year's rigorous imprisonment.

no. 3613
204

Encl. 1 Records.

9-131

Bangalore,

21st February 1910.

22.

From

V. A. Rajaratna Mudra, Esqre:

Registars, Chief Court of Mysore.

To

C. S. Balasundaram Iyer, Esqre:

Offg. Secretary to Government,

Genl. & Rev. Departments.

Sir,

I am directed to forward for the orders of Government letter No. $\frac{2136}{302}$ dated the 17th Instant from the Sessions Judge of Mysore recommending that the sentence of transportation for life passed upon Lakshmi, accused in Mysore Sessions Case No. 12 of 1909-10 for causing the death of her child, may be reduced to 3 years rigorous imprisonment.

The record in Criminal Appeal No. 74 of 1909-10 on the file of this Court confirming the conviction and sentence passed upon the said accused

accused and the record of the
deposition trial are herewith sent
for reference and return.

I have the honor to be

Sir,

Your most obedient servant,

Wm. A. T. Smith

Registrar.

Wm.

3

1909-10.

From

T.Paramasiva Iyer Esquire,
Sessions Judge,
Mysore Division, Mysore.

To

C.S.Balasunderam Iyer Esquire, B.A.,
Officiating Secretary to the Government of His Highness
the Maharaja of Mysore, General and Revenue Departments,
Bangalore.

(Through the Registrar of the Chief Court of Mysore)

Dated.- 17th February 1910.

Despatched.- 18th

Received.-

No.- $\frac{2136}{302}$

Enclosure.

Sir,

I have the honour to submit the following recommendation under Government Order No. J.1237-47-Cts.83-06-2 dated the 3rd November 1906:-

One Lakshmi, accused in Mysore Sessions Case No. 12 of 1909-10, was sentenced to transportation for life for causing the death of her child, eight months old, by falling with the child into Chik Hunsur tank. In reply to questions by the Court she stated as follows:-

" My husband used to beat and ill-treat me. I felt miserable and so fell into the tank with my child to put an end to our misery. If I died leaving the child alive, who was there to look after my own child? I wanted to die with it. I survived and it unfortunately died."

2. I am satisfied she spoke the truth, and recommend

that

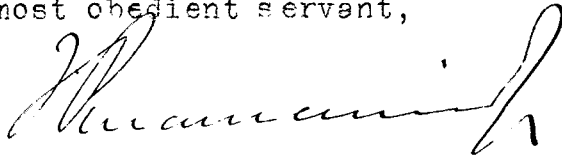
that the sentence on her may be reduced to three years' rigorous imprisonment.

3. In Criminal Appeal No.74 of 1909-10 preferred to the Chief Court by Lakshmi, the conviction and sentence of this Court were confirmed and a copy of the appellate judgment was received yesterday.

I have the honour to be,

Sir,

Your most obedient servant,

A handwritten signature in cursive script, likely of the Sessions Judge, written in dark ink.

Sessions Judge.

A small, stylized handwritten mark or signature at the bottom left of the page.

2370

G.R.S. 26]

File No. ¹⁸⁷/₀₀
Serial No. 2

Diary No. of letter replied to _____

No. 2811 Ends
1 and 4 files.

General and Revenue Secretariat

(c6)
, the 190

To

The Registrar of the
Chief Court of Mysore

Date of issue 24-3-1910

Signed by Mr. S. Srinivasan

Sir,

Adverting to your
letter N^o 3613 dated the
21st February 1910,
regarding the remission
of the sentence of trans-
portation for life passed
on Lakshmi, ~~Case~~ accused
in Mysore Sessions Case
N^o 12 of 1909-10 and
appellant in Criminal
Appeal N^o 74 of 1909-10 on
the file of the Chief Court,
I am directed to forward
herewith for the information

over.

SUBJECT.

of the Judges of the
(Chief Court and for)
Communication to the
prisoner concerned, a copy
of the order passed by
H.H. the Maharaja of

My Sire, reducing the sentence to
one year's rigorous imprisonment.
The entire records

received with your letter
under advertisement are
herewith returned.
I have to

For Secretary

Sd/-
HCC
21-3-1910

List of enclosures,

Copied by B. Lakshmanan
21-3-20-
Examined by

In the Matter of a ~~Memorial~~ ^{Submitting the recommendation of the Sessions Judge} reference from the Chief Court, ~~recommending a rigorous~~ ^{for a reduction of the sentence of transportation for} life passed on Lakshmi, accused in Mysore Sessions Case No 12 of 1909-10, and appellant in Criminal Appeal No 74 of 1910 on the file of the Chief Court of Mysore.

His Highness the Maharaja

has been pleased to pass the following

Order.

The sentence in this case will be reduced to one year's rigorous imprisonment."

Dated 18. 3. 1910.

[Signature]
Dewan of Mysore

[Signature] CSB
Draft
H.C.
21. 3. 1910